

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRIGITTE KOVACEVICH,)	
)	
Plaintiff,)	
)	No. 3:09-0068
v.)	JUDGE ECHOLS
)	
VANDERBILT UNIVERSITY,)	
)	
Defendant.)	

ORDER

For the reasons stated in the accompanying Memorandum, the Court rules as follows:

(1) Plaintiff's Motion For Partial Summary Judgment (Docket Entry No. 73) is hereby DENIED;

(2) Defendant's Motion For Summary Judgment (Docket Entry No. 76) is hereby DENIED;

(3) Defendant's Motion To Strike Report Of Dr. Estrada-Belli (Docket Entry No. 113) is hereby GRANTED;

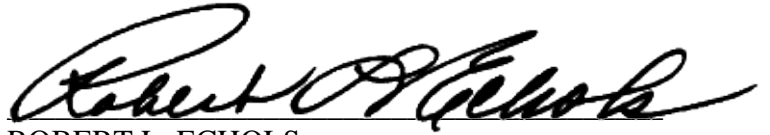
(4) Plaintiff's Motion To Strike Defendant's Response To Plaintiff's Statement Of Material Facts Which Preclude A Grant Of Summary Judgment, D.E. 126 (Docket Entry No. 135) is hereby DENIED; and

(5) this case will proceed to Final Pretrial Conference, to be set in a separate Order.

(6) At the Final Pretrial Conference the Court will hear argument and any evidence presented under Daubert v. Merrell Dow Pharmaceuticals, Inc., 509 U.S. 579 (1993), and Kumho Tire Co. v. Carmichael, 526 U.S. 137 (1999), in connection with the Motion On Behalf Of The

Defendant, Vanderbilt University To Exclude The Testimony Of Plaintiff's Expert Witness, John Monaghan, Ph.D. (Docket Entry No. 109).

It is so ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE